Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Application of Puerto Rico Telephone Company, Inc. d/b/a Claro Pursuant to 47 C.F.R. § 63.63 for the Emergency Discontinuance and/or Impairment of Service	))))

APPLICATION FOR AUTHORITY FOR EMERGENCY DISCONTINUANCE OF SERVICE ON A TEMPORARY BASIS

Puerto Rico Telephone Company, Inc. d/b/a Claro ("PRTC"), by its undersigned attorneys and pursuant to section 63.63 of the Commission's rules,[1] respectfully files this application for authority for emergency discontinuance of interstate telecommunications services, on a temporary basis, in areas of Puerto Rico where Hurricanes Irma and Maria damaged PRTC's copper facilities. As set forth below, the requested authorization is appropriate in light of the unique challenges that PRTC has faced—and continues to face—as the incumbent local exchange carrier in restoring telecommunications service in Puerto Rico. It is also necessary to afford PRTC additional time to identify and deploy permanent solutions to restore service in those portions of the island that continue to experience an interruption in wireline telecommunications services.

I. INTRODUCTION

Two devastating hurricanes hit Puerto Rico in a span of less than two weeks in 2017. On September 7, 2017, the eye of Hurricane Irma passed north of San Juan, Puerto Rico. A Category 5 hurricane, Irma reached sustained winds of 185 mph and was one of the longest

[1] 47 C.F.R. § 63.63.

lasting and most powerful hurricanes ever recorded.[2] Although Puerto Rico avoided a direct hit from Hurricane Irma, the damage was significant: widespread flooding, thousands of people forced into shelters, and thousands of residents without power and water. On September 6, 2017, the Commission activated the Disaster Information Reporting System ("DIRS") to receive information on the status of communications networks and infrastructure in the island,[3] and four days later President Trump issued a disaster declaration for Puerto Rico.[4]

Less than two weeks later, on September 20, 2017, Hurricane Maria made landfall in Puerto Rico as a Category 4 storm with winds of 155 mph. Maria was the strongest storm to make landfall in Puerto Rico in over 80 years.[5] The combination of powerful winds, torrential rains, and flash floods caused massive damages across the island, destroyed a significant portion of Puerto Rico's critical infrastructure, and had a devastating effect on the island's power grid.[6] The latter has been well documented, as it resulted in the entire island losing power—the largest blackout in U.S. history.[7] One month later seventy-five percent of the power utility's customers in Puerto Rico remained without power, and it took months for the majority of customers to regain power.[8] Today, more than nine months after storm, there still are communities without

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[2] *See, e.g.*, Bill Chappell, "Hurricane Irma Blasts into the Record Books with Lasting Intensity," National Public Radio, Sept. 12, 2017, https://www.npr.org/sections/thetwo-way/2017/09/12/550188154/hurricane-irma-blasts-into-the-record-books-with-lasting-intensity.

[3] *Public Safety and Homeland Security Bureau Announces the Activation of the Disaster Information Reporting System in Response to Hurricane Irma*, Public Notice, 32 FCC Rcd 6828 (Sept. 6, 2017).

[4] The White House, President Donald J. Trump Approves Puerto Rico Disaster Declaration (Sept. 10, 2017), https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-approves-puerto-rico-disaster-declaration/.

[5] *See, e.g.*, Samantha Schmidt et al., "Puerto Rico Entirely Without Power as Hurricane Maria Hammers Island with Devastating Force," The Washington Post, Sept. 20, 2017, https://www.washingtonpost.com/news/post-nation/wp/2017/09/20/hurricane-maria-takes-aim-at-puerto-rico-with-force-not-seen-in-modern-history/?utm_term=.e1ca4643aa65.

[6] *See, e.g.*, *id.*

[7] *See, e.g.*, Brian Donegan, "Puerto Rico Is Now Largest Blackout in U.S. History, Report Says; 75 Percent of Island Still Without Power, 36 Days After Hurricane Maria," The Weather Channel, Oct. 26, 2017, https://weather.com/news/news/2017-10-26-puerto-rico-day-36-largest-blackout-united-states-history.

[8] Adrian Florido, Restoring Power to Puerto Rico's Last 2 Percent, National Public Radio, May 3, 2018, https://www.npr.org/2018/05/03/607781376/restoring-power-to-puerto-ricos-last-two-percent.

access to power, and service remains spotty and vulnerable to outages even in those areas where power has been restored.[9]

The island's communications infrastructure was not spared the destructive effects of the storm. As Chairman Pai recognized only days after the storm passed, Maria "had a catastrophic impact on Puerto Rico's communications networks."[10] On October 1, 2017—almost two weeks after Maria's landfall—more than eight-eight percent of cell sites in the island were out of service and there were "large percentages of consumers . . . without either cable services or wireline service," with one provider reporting that 100% of its consumers were out of service due to lack of commercial power.[11] The lack of reliable access to power only made it harder to restore telecommunications service. In early 2018—four months after Maria's landfall—PRTC and other providers in Puerto Rico still were relying on power generators to keep significant portions of their networks running.[12]

The Commission predicted then that the recovery process would be long,[13] and the passing of time only has served to confirm the prescience of that prediction. On March 21, 2018, six months after Maria made landfall, the Commission's DIRS report was still showing cell sites out of service and a "fairly large percentages of consumers" without either cable services or

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[9] *Cf., e.g.,* James Wagner and Frances Robles, "Puerto Rico Is Once Again Hit by an Islandwide Blackout," The New York Times, Apr. 18, 2018, https://www.nytimes.com/2018/04/18/us/puerto-rico-power-outage.html.

[10] Federal Communications Commission, Chairman Pai Statement on Hurricane Maria (Sept. 21, 2017), https://docs.fcc.gov/public/attachments/DOC-346833A1.pdf.

[11] Federal Communications Commission, Communications Status Report for Areas Impacted by Hurricane Maria (Oct. 1, 2017), https://docs.fcc.gov/public/attachments/DOC-346989A1.pdf.

[12] *See, e.g.,* Comments of Puerto Rico Telephone Company, Inc., *In re Hurricane Response*, PS Docket No. 17-344 (Jan. 22, 2018); Letter from Sandra E. Torres Lopez, Chairwoman, Telecommunications Regulatory Board of Puerto Rico, to Ajit Pai, Chairman, FCC, PS Docket No. 17-344 (Jan. 22, 2018) ("PRTRB Letter"); Comments of Neptuno Networks, *id.* (Jan. 22, 2018); *see also* Adam Rogers, "In Puerto Rico, No Power Means No Telecommunications," Wired, Oct. 10, 2017, https://www.wired.com/story/in-puerto-rico-no-power-means-no-telecommunications. Reliance on power generators, which are not designed for continuous, long-term us, brought with it a different set of challenges, such as difficulties securing a constant supply of diesel at a time when access to fuel was scarce, a spike on thefts of generators, and bureaucratic delays that affected the importing of additional generators.

[13] *In re Connect America Fund*, Order, 32 FCC Rcd 7981, 7983 (2017).

wireline service.[14] After visiting Puerto Rico a few days earlier, Chairman Pai reported that the "wired infrastructure ha[d] been completely destroyed" and noted that replacing it was going to be "hard and expensive."[15] In its Order and Notice of Proposed Rulemaking establishing the Uniendo a Puerto Rico Fund, which was released approximately two months ago, the Commission acknowledged that "[r]ecovery of the communications networks in Puerto Rico . . . has proven especially challenging, particularly compared to other locations in the United States impacted by this season's hurricanes,"[16] and that a "widespread devastation to communications networks caused by the hurricanes" was going to require longer–term efforts to completely rebuild and improve telecommunications networks in Puerto Rico.[17]

PRTC's own experience with its wireline network is consistent with the Chairman's and the Commission's findings. As the largest telecommunications provider in Puerto Rico, PRTC experienced extensive and widespread damage to its wireline network. In the days immediately after the storm's landfall, approximately [***begin confidential information***] [***end confidential information***] of PRTC's central offices, almost [***begin confidential information***] [***end confidential information***] of its remotes, and approximately [***begin confidential information***] [***end confidential information***] of its DSLAMs, VRADs—which PRTC uses to provide broadband internet access service ("BIAS") and IPTV service— and other nodes were down. Portions of PRTC's fiber ring also suffered significant damage from the

[14] *See* Federal Communications Commission, Communications Status Report for Areas Impacted by Hurricane Maria (Mar. 21, 2018), https://docs.fcc.gov/public/attachments/DOC-349827A1.pdf.
[15] Chairman Ajit Pai, In the Aftermath of Hurricanes Irma and Maria, Resilience and Challenges in Puerto Rico and the U.S. Virgin Islands (Mar. 19, 2018), https://www.fcc.gov/news-events/blog/2018/03/19/aftermath-hurricanes-irma-and-maria-resilience-and-challenges-puerto.
[16] *Uniendo a Puerto Rico Fund and the Connect USVI Fund*, Order and Notice of Proposed Rulemaking, WC Docket No. 18-143, WC Docket No. 10-90, WC Docket No. 14-58, at 2 (May 29, 2018).
[17] *Id.* at 9-19.

storm, particularly in the southeast and northeast areas of the island, where the eye of storm made initial landfall.

The storms hit PRTC's copper infrastructure particularly hard. PRTC's network still relies heavily on copper facilities last-mile connections to end user premises. The widespread destruction of utility poles across the Puerto Rico wreaked havoc on PRTC's aerial copper facilities,[18] and the widespread flooding and landslides that accompanied the storm impacted its buried copper facilities across the island. A spike in copper thefts and accidental fiber cuts by entities performing clean-up efforts after the storm only made the situation worse.[19]

PRTC has made significant progress performing mostly temporary repairs to its wireline network and restoring telecommunications service—an effort that required spending hundreds of million dollars and thousands of man-hours during the last nine months. Today, all of PRTC's central offices and remotes are operational and no longer reliant on power generators. PRTC's fiber ring is likewise fully operational, albeit vulnerable to future storms and in need of further work to make it more resilient to future storms, and most of the fiber optic lines have been either replaced or repaired. More than [***begin confidential information***] [***end confidential information***] of PRTC's VRADs, DSLAMs and other nodes are up and running.

While PRTC has made progress restoring these critical elements of its wireline network, much work remains to permanently repair and/or replace the copper facilities that the storm damaged. This is a critical last step to restore wireline service fully in areas that have suffered interruptions of service, particularly in the more remote areas of the island. After restoring the critical core components of its landline network in the months after Maria made landfall, PRTC

[18] *Cf.* Alexia Fernandez Campbell, "5 Things to Know About Puerto Rico 100 Days after Hurricane Maria," Vox, Dec. 29, 2017 (explaining that Hurricane Maria knocked down 80 percent of the island's utility poles), https://www.vox.com/2017/12/23/16795342/puerto-rico-maria-christmas.

[19] *Cf.* PRTRB Letter at 2; *id.* at 13 (addressing copper theft).

assessed the damage inflicted to its extensive copper facilities, which are deployed mainly between central offices or network nodes and end user premises. This was a painstaking process that required mobilizing hundreds of employees and contractors around the island to visually inspect these facilities, identify the areas affected, assess the level of damage, and determine the feasibility of repairing them. In those areas where the level of damage was less severe, PRTC moved forward with the repairs and restored wireline service—a task that it has largely completed. In those areas where the preliminary assessment revealed that the copper facilities were damaged irreparably or where the extent of the damage may make it impractical to permanently repair them,[20] PRTC is working to identify which permanent solution would be better suited for each of the affected areas, the costs of deploying such solutions, and the timing of their deployment. This process naturally will be impacted by the Commission's determinations regarding the *Uniendo a Puerto Rico Fund and the Connect USVI Fund* proceeding, which is ongoing.[21]

As of the date of this filing, there are [***begin confidential information***] [***end confidential information***] network nodes where PRTC has determined that the copper infrastructure serving the node suffered irreparable or significant damage as a direct result of Maria (hereinafter "affected nodes"). Attached to this Application is an exhibit identifying the location of these nodes. The communities served by the affected nodes are still experiencing interruptions and/or impairments of intrastate and interstate telecommunications services. This

[20] *Cf. In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 32 FCC Rcd 11128, 11157-58 (Nov. 16, 2017) (recognizing that after a natural disaster the best course of action in certain locations may be to install replacement facilities and retire the copper facilities rather than repair them).

[21] *See Uniendo a Puerto Rico Fund and the Connect USVI Fund*, Order and Notice of Proposed Rulemaking, WC Docket 18-143, WC Docket 10-90, WC Docket 14-58, FCC 18-57 (May 29, 2018).

figure represents approximately [***begin confidential information***] [***end confidential information***] of all network nodes in the PRTC network.[22]

In terms of geographic areas affected, the affected nodes can be found in virtually every municipality in Puerto Rico, with the following municipalities having a larger concentration of affected nodes within their boundaries: Adjuntas, Añasco, Arecibo, Arroyo, Barranquitas, Bayamón, Ciales, Coamo, Comerío, Corozal, Culebra, Hatillo, Humacao, Jayuya, Lares, Las Marías, Maricao, Maunabo, Morovis, Naranjito, Orocovis, Patillas, Salinas, San Sebastián, Santa Isabel, Utuado, Vega Baja, Vieques, Villalba, and Yabucoa.

In terms of the number of customers affected, PRTC estimates that approximately [***begin confidential information***] [***end confidential information***] wireline customers (or [***begin confidential information***] [***end confidential information***] of its wireline customer base) are served by the affected nodes. As explained in more detail below, PRTC has been offering (and continues to offer) these customers a temporary Commercial Mobile Radio Services ("CMRS")-based solution that provides both voice telephony and BIAS. Approximately [***begin confidential information***] [***end confidential information***] PRTC wireline customers are currently using the CMRS-based solution to receive voice and/or BIAS service.

In light of these circumstances, PRTC hereby applies for authority to discontinue interstate telecommunications service on a temporary basis in the areas served by the affected nodes.[23] This remedy would afford PRTC the additional time it needs to identify and implement

[22] This does not mean, however, that every customer served by an affected node is experiencing an interruption or impairment of service. PRTC continues to provide wireline service to customers served by affected nodes where the particular copper facilities used to serve them were not damaged. The affected nodes were identified as such because the degree of damage to the copper facilities that serve them indicates that a large percent of customers served by the node are experiencing interruptions or impairments of service.

[23] As the Commission is aware, since Hurricane Maria made landfall on September 20, 2017, many communities in Puerto Rico have suffered interruptions in wireline telecommunications service. PRTC concluded its assessment of

the permanent solutions that would be better suited for each of the affected areas. PRTC will notify the Commission promptly if the same or comparable service is reestablished before the termination of the requested emergency authorization, and it will comply with the requirements of sections 51.325-51.335 and section 63.71 of the Commission's rules to the extent that its actions entail a retirement of copper facilities and/or the permanent discontinuance of telecommunications services.

II. INFORMATION REQUIRED PURSUANT TO SECTION 63.63(A)

A. Effective date of the discontinuance, reduction, or impairment, and the identification of the service area affected

PRTC's wireline telecommunications services were interrupted in communities across Puerto Rico since Hurricane Maria made landfall on September 20, 2017. As it pertains to the affected nodes, PRTC recently concluded its evaluation of its copper facilities, the replacement of which now in part depends on the outcome of the *Uniendo a Puerto Rico Fund and the Connect USVI Fund* proceeding, which is ongoing. Affected nodes are present in all but one of the seventy-eight municipalities in Puerto Rico.

B. Nature and estimated duration of the conditions causing the discontinuance, reduction or impairment

As noted above, Hurricane Maria made landfall on September 20, 2017. President Trump declared this event a national disaster on that same day.[24] PRTC activated its emergency protocol on September 15, 2017, and it notified its carrier customers of the existence of force majeure conditions on October 11, 2017. While PRTC continues to provide service to customers

damages caused to its copper facilities on a node-by-node basis in early May 2018 and, based on this assessment, concluded in early June 2018 that it would need additional time to identify and implement the permanent solutions that would be better suited for each of the areas where the affected nodes are located, thus triggering the need for a temporary authorization under section 63.63 of the Commission's rules for discontinuance of service in these areas.

[24] The White House, President Donald J. Trump Approves Puerto Rico Disaster Declaration (Sept. 21, 2017), https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-approves-puerto-rico-disaster-declaration-2/.

where its facilities were not damaged or have been repaired since Maria made landfall, service continues to be interrupted and/or impaired as of the date of this filing in those communities served by the affected nodes. To restore service completely in these areas with a permanent solution, PRTC will require authorization to discontinue service for at least six months from date in which the authority is granted.

C. Facts Showing That Such Conditions Could Not Reasonably Have Been Foreseen by PRTC in Sufficient Time to Prevent Such Discontinuance, Reduction, or Impairment

As noted above, the interruption and/or impairment of service was caused by two devastating hurricanes, which were completely beyond PRTC's control.

D. Description of the Services Involved

PRTC offers numerous wireline interstate voice services and data services, including recently detariffed business data services, in the affected areas, as well as interstate switched access services.

E. Nature of Service Which Will Be Available or Substituted

PRTC has offered (and continues to offer) a CMRS-based service that provides voice telephony service and BIAS to its retail and commercial end users that have experienced discontinuances and/or impairments of service. PRTC intends to continue to offer this service to customers in the affected areas until it can deploy a permanent solution that replaces the damaged copper facilities. PRTC will continue to update the Commission on the progress it makes restoring service to these areas. To the extent that PRTC's permanent solutions for the affected areas involve the retirement of copper facilities and/or the permanent discontinuance of interstate services that PRTC offered before Maria, PRTC will be filing the necessary notices and/or applications for authorizations required by the Commission's rules.

F. The Effect Upon Rates to any Person in the Community

PRTC retail customers in areas that have experienced interruptions of service have not suffered any negative impact in terms of the rates that PRTC charges them for the voice telephony and BIAS components of their bill. For those affected customers that have requested PRTC's temporary CMRS-based solution, PRTC has continued to charge them the same rate that they were previously charged for the component of their service plan that corresponds to voice telephony and BIAS. In the case of customers that were not subscribed to a PRTC BIAS offering prior to Hurricane Maria, they are effectively receiving CMRS-based BIAS service at no additional charge. In the case of those customers that were subscribed to a PRTC BIAS offering prior to Maria but have reported that they are not receiving the broadband speeds to which they subscribed, PRTC is issuing them a credit for the BIAS portion of their invoice. Affected customers that report that the temporary CMRS-based solution is not working properly in their premises, which may occur in areas of limited CMRS coverage, are receiving a full credit for the component of their service plan that corresponds to voice telephony and BIAS, and PRTC intends to continue to do so until service is restored permanently.

G. Efforts Made and To Be Made by PRTC To Restore the Original Service or Establish Comparable Service as Expeditiously as Possible

As explained in Part I above, PRTC has essentially completed the task of restoring service to those areas where the damage to the copper facilities was such that the most expeditious and best course of action was to repair them. These efforts have led to the temporary restoration of wireline telephony service to approximately [***begin confidential information***] [***end confidential information***] of PRTC's wireline customers.

In those areas where the copper facilities were irreparably damaged or where the degree of damage may make repairing the copper facilities impractical, the process of deploying a

permanent solution will take six to twelve months. The timing, details, and scope of these efforts naturally will be impacted by the Commission's determinations regarding the *Uniendo a Puerto Rico Fund and the Connect USVI Fund* proceeding, which is ongoing. PRTC will continue updating the Commission on these efforts as they become better defined.

Respectfully submitted,

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ATTACHMENT A
(CONFIDENTIAL)

AFFECTED NODES			
District	**Wire Center Code**	**Node ID**	**Wire Center**

[*begin confidential information*]

[*end confidential information*]